

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILLENNIUM, L.P.

Plaintiff,

v.

VIGNETTE CORPORATION.

Defendant.

SCHEDULING ORDER

Case No.: 07-CV-4800 (BSJ) (FM)

SCHEDULING ORDER

Pursuant to the Order for Conference Pursuant to Rule 16(a) ("the Order") issued in this matter on September 25, 2007, Plaintiff Millennium, L.P. ("Millennium" or "Plaintiff") and Defendant Vignette Corporation ("Vignette" or "Defendant"), jointly submit this proposed Scheduling Order.

1. Date of Conference and Attorneys Participating

The below-identified counsel attended the October 4, 2007 FRCP 16(a) conference.

<p>Attorneys for Millennium:</p> <p>Jean-Marc Zimmerman (JZ 7743) jmzimmerman@zlk.com Zimmerman, Levi & Korsinsky LLP 226 St. Paul Street Westfield, NJ 07090 Tel: (908) 654-8000 Fax: (908) 654-7207</p>	<p>Attorneys for Vignette:</p> <p>Jessica L. Margolis (JM 7786) jmargolis@wsgr.com Wilson Sonsini Goodrich & Rosati, P.C. 1301 Avenue of the Americas, 40th Floor New York, NY 10019-6022 Tel: (212) 999-5800 Fax: (212) 999-5899</p>
	<p>M. Craig Tyler Wilson Sonsini Goodrich & Rosati, P.C. 8911 Capital of Texas Highway North Westech 360, Suite 3350 Austin, Texas 78759-8497 Tel: (512) 338-5400 Fax: (512) 338-5499</p>

2. Statement of Issues

Plaintiff has asserted infringement of U.S. Patent Nos. 6,094,505, 5,768,416, 5,625,465, 5,369,508, and 5,258,855, each entitled Information Processing Methodology. In its Complaint, Plaintiff alleges that Defendant is selling software products that infringe these patents in violation of 35 U.S.C. §271. Although not specified in the Complaint, in pre-suit correspondence it sent to the Defendant, Millennium asserted that Defendant's Vignette IDM software product is covered by the claims of the asserted patents. The foregoing products were identified in Millennium's pre-suit investigation, and are not presumed to be inclusive of all allegedly infringing Vignette products.

The asserted patents relate to a system with a user interface that allows a user to extract information of interest from digitized documents (invoices, checks, resumes, etc.) and export the extracted information to another software application.

Defendant has asserted various affirmative defenses and has asserted counterclaims of non-infringement and invalidity.

Plaintiff seeks a preliminary and permanent injunction against Defendant, and an accounting for damages. Defendant seeks a judgment of non-infringement and that the patents are invalid.

3. Proposed Case Management Plan

a. Millennium does not yet know the names of the persons it will depose. However, Plaintiff intends to depose, pursuant to FRCP 30(b)(6), persons identified by Vignette most knowledgeable about the operation and technical details, and sales of the allegedly infringing products. Defendant intends to depose the inventor and

principal of Millennium, Mitchell Medina ("Medina"). Parties reserve the right to depose additional witnesses.

- b. All documents to be produced by May 2, 2008.
- c. For expert discovery under FRCP 26(a)(2):
 - (i) expert reports from the parties which have the burden of proof on a particular issue to be served by October 17, 2008;
 - (ii) responsive reports to be served by November 14, 2008; and
 - (iii) all expert discovery to be completed by December 12, 2008.
- d. Discovery to be completed by January 16, 2009;
- e. All pretrial motions to be filed by January 30, 2008.
- f. Plaintiff to supply pretrial order materials to Defendant by March 13, 2009;
- g. Parties' pretrial order to be filed by April 10, 2009.
- h. Additional parties to be joined by May 2, 2008.
- i. Pleadings to be amended by May 2, 2008.
- j. Disclosures under FRCP 26(a)(1) due by October 17, 2007.
- k. The parties request a claim construction hearing to be held by the Court by September 19, 2008. The parties shall meet and confer regarding claims to be construed, and shall submit to the Court by June 27, 2008 a joint list of agreed claim constructions and disputed claims needing to be construed by the Court. Plaintiff shall file its opening claim construction brief by July 25, 2008, and Defendant shall file its responsive claim construction brief by August 22, 2008.

I. A telephonic conference between counsel and the Court shall be held on December 6, 2007, at 10 a.m. Plaintiff's counsel shall initiate the call by calling Chambers at (212) 805-6727.

m. A further telephonic conference between counsel and the Court shall be held on March 17, 2008, at 10 a.m. Plaintiff's counsel shall initiate the call by calling Chambers at (212) 805-6727.

4. Statement of Discovery Limitations

The parties agree that the presumptive discovery limits provided in the Federal Rules of Civil Procedure should govern in this case, unless otherwise agreed to by the parties or ordered by the Court. The parties intend to produce documents under a protective order. Plaintiff's principal Medina may be deposed for two days.

5. Discovery Issues in Dispute

There are presently no discovery issues in dispute between the parties.

6. Anticipated Fields of Expert Testimony

Expert testimony is anticipated regarding infringement, invalidity and damages.

7. Anticipated Length of Trial

The parties anticipate that the trial will last seven to ten days. Both parties have requested a jury.

8. Modification of Scheduling Order

The Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

Attorneys for Plaintiff

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SO ORDERED:

DATED: October 4, 2007

By: 
Frank Maas, U.S.M.J.